

Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

## HOUSE ENROLLED ACT No. 1252

AN ACT to amend the Indiana Code concerning human services.

*Be it enacted by the General Assembly of the State of Indiana:*

SECTION 1. IC 12-10-17-5, AS ADDED BY P.L.255-2001, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. As used in this chapter, "health related services" means those medical activities that, ~~(+)~~ in the **written** opinion of the attending physician **submitted to the case manager of the individual in need of self-directed in-home care**, could be performed by the individual if the individual were physically capable, and if the medical ~~activity~~ **activities** can be safely performed in the home, and:

(1) **are performed by a person who has been trained or instructed on the performance of the medical activities by an individual in need of self-directed in-home care who is, in the written opinion of the attending physician submitted to the case manager of the individual in need of self-directed in-home care, capable of training or instructing the person who will perform the medical activities; or**

(2) ~~the~~ **are performed by a person who performs the medical activity** has received training or instruction from a licensed health professional, within the professional's scope of practice, in how to properly perform the medical activity for the individual in need of self-directed ~~services in-home care~~.

SECTION 2. IC 12-10-17-12, AS ADDED BY P.L.255-2001, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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UPON PASSAGE]: Sec. 12. (a) The division shall register an individual who provides the following:

- (1) A personal resume containing information concerning the individual's qualifications, work experience, and any credentials the individual may hold. The individual must certify that the information contained in the resume is true and accurate.
- (2) The individual's limited criminal history check from the Indiana central repository for criminal history information under IC 5-2-5 or another source allowed by law.
- (3) If applicable, the individual's state nurse aide registry report from the state department of health. This subdivision does not require an individual to be a nurse aide.
- (4) Three (3) letters of reference.
- (5) A registration fee. The division shall establish the amount of the registration fee.
- (6) Proof that the individual is at least eighteen (18) years of age.
- (7) Any other information required by the division.

(b) A registration is valid for ~~one (1) year~~ **two (2) years**. A personal services attendant may renew the personal services attendant's registration by updating any information in the file that has changed and by paying the fee required under subsection (a)(5). The limited criminal history check and report required under subsection (a)(2) and (a)(3) must be updated every two (2) years.

(c) The division **and any organization designated under section 11 of this chapter** shall maintain a file for each personal services attendant that contains:

- (1) comments related to the provision of attendant care services submitted by an individual in need of self-directed in-home care who has employed the personal services attendant; and
- (2) the items described in subsection (a)(1) through (a)(4).

(d) Upon request, the division shall provide to an individual in need of self-directed in-home care the following:

- (1) Without charge, a list of personal services attendants who are registered with the division and available within the requested geographic area.
- (2) A copy of the information of a specified personal services attendant who is on file with the division under subsection (c). The division may charge a fee for shipping, handling, and copying expenses.

SECTION 3. IC 12-10-17-12.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 12.5. The case manager of an**

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individual in need of self-directed in-home care shall maintain an attending physician's written opinion submitted under section 5 of this chapter in a case file that is maintained for the individual by the case manager.

SECTION 4. IC 12-10-17-21, AS ADDED BY P.L.255-2001, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 21. This chapter expires July 1, ~~2003~~ 2005.

SECTION 5. [EFFECTIVE UPON PASSAGE] (a) The definitions in IC 12-10-17 apply to this SECTION.

(b) Notwithstanding IC 12-10-17-15, an individual in need of self-directed in-home care who has hired a personal services attendant who has been approved by the division of disability, aging, and rehabilitative services shall hire a fiscal agent to provide payroll and bookkeeping services, including the following:

- (1) Assisting the individual in completing and submitting applications for state and federal employment tax identification numbers, unemployment insurance, and worker's compensation insurance.
- (2) Processing payroll, including income tax withholdings, Social Security deductions under the Federal Insurance Contributions Act (FICA), worker's compensation, and wages.
- (3) Disbursing checks to the personal services attendant and proper governmental agencies. The fiscal agent shall prepare a check for the fiscal agent's services that must be signed by the individual in need of self-directed in-home care.
- (4) Preparing employer tax forms, including W-4 forms.
- (5) Supplying weekly time slips to be used by the individual in need of self-directed in-home care.

(c) The fiscal agent must be a private accounting firm or a nonprofit corporation, association, or organization located in Indiana.

(d) The fiscal agent that is selected by the individual in need of self-directed in-home care shall register with the division of disability, aging, and rehabilitative services before providing bookkeeping services.

(e) Subject to IC 12-10-17-14(b), the individual in need of self-directed in-home care shall deliver the personal services attendant's time sheet to the fiscal agent.

(f) Subject to IC 12-10-17-14(b), the time sheet must be certified:

- (1) by the personal services attendant that the hours were



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worked as recorded; and

(2) by the individual in need of self-directed in-home care that the services were rendered as recorded and that the services were within the limits of the authorized care plan.

(g) Before July 1, 2003, the division shall adopt rules under IC 4-22-2 concerning:

(1) the method of payment to a personal services attendant who provides authorized services under IC 12-10-17;

(2) the method of payment for the fiscal agent who provides authorized services under IC 12-10-17; and

(3) record keeping requirements for personal attendant services.

(h) This SECTION expires July 1, 2003.

SECTION 6. An emergency is declared for this act.

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Speaker of the House of Representatives

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President of the Senate

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President Pro Tempore

Approved: \_\_\_\_\_

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Governor of the State of Indiana

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